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10/022,835	12/20/2001	Wolf Boll	225/50712	1475

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EXAMINER

TO, TOAN C

ART UNIT PAPER NUMBER

3616

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/022,835

Applicant(s)

BOLL ET AL.

Examiner

Toan C To

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 15-24 is/are rejected.
- 7) ☒ Claim(s) 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election of Species 4 (represented by figure 10), claims 1-12, 15-24 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 13-14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 9.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the airbag housed in steering wheel as recited in claims 7, and 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claim 7 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In this case, the specification does not describe in detail about the relationship between the head protecting airbag in the roof and the airbag in a steering wheel, therefore it is not known how the head protecting airbag is unfold slower and maintained longer than that of the airbag in the steering wheel.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 4, 5, 7, 8, 17, 20, 22, 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Lohavanijaya (U.S. 6,224,088).

With respect to claims 1, 4, 5, 17, 20, 22, 24, Lohavanijaya discloses an airbag system with the following: at least one inflatable airbag/means for protecting a head (32) housed in a roof frame (22) of the car, the roof frame (22) enclosing a top of a

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windshield (14), an inflator/ or means for actuating (34) is provided to actuated an airbag; wherein when the airbag (32) is actuated, it unfolds in a direction opposite to a direction of travel of the vehicle and an upward direction such that after the airbag unfolds the airbag (32) is located above a head of a driver and/or a passenger; wherein the unfolded air bag (32) extends substantially over an entire width of an interior of the passenger car (see figure 3).

With respect to claims 7 and 8, as best understood by the examiner, Lohavaniyaya discloses an airbag system, wherein an inflation means (34) for inflating the air bag (32) upon its actuation is provided and designed such that the air bag unfolds more slowly than an air bag (46) housed in a steering wheel (28); and after unfolding, an inflated state is maintained longer than that of an air (46) bag housed in a steering wheel (28).

8. Claims 1, 2, 17, 18, 22, 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kithil (U.S. 5,602,734).

Kithil discloses an airbag system with the following: at least one inflatable airbag/means for protecting a head (20) housed in a roof frame (24) of the car, the roof frame (24) enclosing a top of a windshield (28), an inflator/ or means for actuating (34) is provided to actuated an airbag; wherein when the airbag (20) is actuated, it unfolds in a direction opposite to a direction of travel of the vehicle and an upward direction such that after the airbag unfolds the airbag (20) is located above a head of a driver and/or a passenger; an air bag control (16) connected to a sensor (14), the sensor (14) detecting

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a rollover of the passenger car wherein the air bag control actuates the air bag only when the passenger car rolls over.

9. Claims 1-3, 5-6, 9, 11, 12, and 17-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Mumura et al (U.S. 6,189,960).

With respect to claims 1-3, 5, and 17-24, Mumura et al discloses an airbag system with the following: at least one inflatable airbag/means (120) for protecting a head housed in a roof frame (29) of the car, the roof frame (29) enclosing a top of a windshield, an inflator/ or means (28) for actuating is provided to actuated an airbag; wherein when the airbag (120) is actuated, it unfolds in a direction opposite to a direction of travel of the vehicle and an upward direction such that after the airbag unfolds the airbag (120) is located above a head of a driver and/or a passenger; an air bag control connected to a sensor (35), the sensor (35) detecting a rollover of the passenger car wherein the air bag control actuates the air bag only when the passenger car rolls over, wherein, the unfolded airbag (120) extends substantially over an entire width of an interior compartment of the car; wherein the passenger car is convertible, and an airbag control actuates the airbag only when the top of the car is open.

With respected to claims 6, 9, 11-12, Mumura et al discloses an airbag system with the following: wherein the air bag includes at least one side wing (120D) at a side end of the air bag (120) which unfolds downwards, upon actuating the air bag, such that, after unfolding, the air bag (120) is located on a side of the head of the driver or the passenger; wherein, the airbag includes a plurality of chambers (120B, 120D) above the driver's or passenger head, wherein a chamber, which is arranged externally on a side

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with respect to the driver's or the passenger's head, is designed such that, when the air bag is inflated, the chamber (120D) projects deeper into a passenger space than a chamber (120B) arranged above the head of the driver or the passenger.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mumura et al in view of Melvin (U.S. 5,282,646).

Mumura et al discloses every element of the invention as discussed above except that individual chambers of the plurality of chambers communicate with each other over check valve means.

Melvin teaches the invention wherein the airbag having a plurality of chambers, wherein each chamber communicates with each other over check valve means (36, 44) in order to control the flow of inflation gas in response to size and weight of occupant such that preventing occupant from injury upon impact with the airbag.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the airbag system of Mumura et al to include a check valve means as taught by Melvin in order to control the flow of inflation gas in response

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to size and weight of occupant such that preventing occupant from injury upon impact with the airbag.

***Allowable Subject Matter***

12. Claim 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan To whose telephone number is (703) 306-5951. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson, can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1113.

To, T

October 30, 2003